

05/07/2019

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

JULIA C. DUDLEY, CLERK  
BY: *H. Wheeler*  
DEPUTY CLERK

**SEALED**

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

INFORMATION ASSOCIATED WITH  
TWITTER USERNAME @ANTIFALAMENT AT  
WWW.TWITTER.COM/ANTIFALAMENT

Case No. 3:19mj00029

**APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A.

located in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

| Code Section       | Offense Description            |
|--------------------|--------------------------------|
| 18 U.S.C. Sec. 245 | Federally Protected Activities |
| 18 U.S.C. Sec. 875 | Threats                        |

The application is based on these facts:  
See Attached Affidavit.

- ☒ Continued on the attached sheet.
- ☒ Delayed notice of 180 days (give exact ending date if more than 30 days: ) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

*W. Wade Douthit*  
Applicant's signature

W. Wade Douthit, FBI Special Agent  
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
telephone (specify reliable electronic means).

Date: 5/6/19

City and state: Harrisonburg, VA

*Joel C. Hoppe*  
Judge's signature

Joel C. Hoppe, U.S. Magistrate Judge  
Printed name and title

**SEALED**

05/07/2019

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

JULIA C. DUDLEY, CLERK  
BY: *H. Wade*  
DEPUTY CLERK

IN THE MATTER OF THE SEARCH OF: )  
INFORMATION ASSOCIATED WITH ) Case No. 3:19mj00029  
TWITTER USERNAME )  
@ANTIFALAMENT AT )  
WWW.TWITTER.COM/ANTIFALAMENT )  
WHICH IS STORED AT PREMISES )  
CONTROLLED BY TWITTER, INC. )

**AFFIDAVIT IN SUPPORT OF AN APPLICATION  
FOR A WARRANT TO SEARCH AND SEIZE**

I, W. Wade Douthit, being duly sworn, depose and state as follows:

**INTRODUCTION**

1. I make this affidavit in support of an application for a search warrant for information associated with a certain Twitter account that is stored at premises owned, maintained, controlled, or operated by Twitter, a social-networking company headquartered in San Francisco, CA. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A) to require Twitter to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the Twitter account.

2. I am a Special Agent of the United States Department of Justice, Federal Bureau of Investigation ("FBI") and have been so employed since June 1999. I am assigned to the Richmond Field Office, Charlottesville Resident Agency, located in Charlottesville, Virginia. My principal duties include the investigation of, among other matters, hate crimes, riots, and threats of violence in violation of the laws of the United States.



3. I am a federal law enforcement officer under applicable provisions of the United States Code under Rule 41(a) of the Federal Rules of Criminal Procedure. I have received training in and have experience in the enforcement of the laws of the United States, including the preparation and presentation of search warrants, and in executing court-ordered search warrants.

4. I make this affidavit in support of an application by the United States of America for a warrant to search and seize evidence associated with the following account at Twitter, Inc.: @AntifaLament at [www.twitter.com/antifalament](http://www.twitter.com/antifalament), further described in Attachment A.

5. Based on the information below, I submit there is probable cause to believe the aforementioned Twitter account will contain evidence, as more fully identified in Attachment B, of violations of federal law, including, but not limited to, Title 18, United States Code (U.S.C.), Section 245 (Federally Protected Activities) and Title 18, U.S.C. § 875 (Threats).

6. Through training and experience, the Affiant has knowledge that persons affiliated with white supremacists groups and/or conspirators will utilize cell phones, and other electronic devices, electronic mail ("e-mail"), and social media to conduct their illegal activity and maintain contact with other confederates, conspirators and criminal associates involved with the planning, targeting, and execution of their political or social goals to include, but not limited to, espousing violence.

7. The Affiant bases this affidavit upon personal knowledge and observations made during the course of this investigation, information conveyed to me by other law enforcement officers assigned to this investigation, and upon my personal review of records, documents, and items lawfully obtained by third parties. This affidavit is not intended to include each and every fact known to me or the other investigating agencies, nor does it reflect all the evidence developed during the course of the investigation. Instead, the Affiant has set forth sufficient

information to establish probable cause for the issuance of the requested search warrant. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part.

### **RELEVANT STATUTES**

8. Federally Protected Activities, Title 18, United States Code, Section 245(b)(1)(A), provides that “Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with (1) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from – (A) voting or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher, or any legally authorized election official, in any primary, special or general election” shall be guilty of a federal offense.

9. Federally Protected Activities, Title 18 United States Code, Section 245(b)(4), provides that “whoever . . . by force or threat of force willfully injures, intimidates, or interferes with, or attempts to injure, intimidate or interfere with . . . any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from – (A) participating, without discrimination on account of race, color, religion or national origin, in any of the benefits described in subparagraphs (1)(A) through (1)(E) or subparagraphs (2)(A) through (2)(F)” shall be guilty of a federal offense.

10. Threats, Title 18, United States Code, Section 875(c) provides that “Whoever transmits in interstate or foreign commerce any communication containing any threat . . . to injure the person of another” shall be guilty of a federal crime.

## **JURISDICTION**

11. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

## **PROBABLE CAUSE**

### **Background**

12. On August 12, 2017, a “Unite the Right” rally was held at Emancipation Park in Charlottesville, Virginia. The proclaimed purpose of the planned rally was to protest the removal of the Robert E. Lee and Thomas “Stonewall” Jackson statues in Charlottesville, Virginia. Several groups espousing right-wing nationalist and/or white supremacist views attended the rally in support.

13. In addition, several thousand counter-protestors attended the rally to oppose the rally and its supporters. Throughout the day, several instances of violence occurred between protestors and counter-protestors. At approximately noon, the rally was declared an unlawful assembly by the Charlottesville Police Department (“CPD”), and both protestors and counter-protestors dispersed from the park.

14. At some point prior to January 7, 2019, Candidate A, who is an African-American man, decided to run for the Democratic nomination for a seat on the Charlottesville City Council. Candidate A planned to announce his candidacy at an event scheduled for January 8, 2019. On January 7, 2019, local news outlets publicized the January 8, 2019, event at which Candidate A planned to announce his candidacy.



15. Within hours of these news reports, Gab user @jackcorbin posted threatening communications on the publicly-available website Gab that called for Candidate A to drop out of the race, used racial epithets, and requested others to participate in violence at Candidate A's political events. These initial postings also indicated that Candidate A could be seen on video assaulting someone during the "Unite-the-Right" rally on August 12, 2017. On January 8, 2019, the Affiant learned of the threats and, in compliance with FBI policy, notified Candidate A about the threats. During Candidate A's campaign event on January 8, 2019, Candidate A announced that he was putting his campaign for City Council on hold in order to deal with health issues. On January 9, 2019, Candidate A told the Affiant that he had a legitimate health concern, but that the threats did impact his decision to put his candidacy on hold. On March 27, 2019, Candidate A told the Affiant that his health concerns had been "a smokescreen," and that it was really the threats that caused him to suspend his campaign. During the March 27 meeting, Candidate A also said that, in the intervening time since January, his health issues had resolved, but he had kept this information private because, due to the threats, he did not want his supporters to try to get him to re-initiate his campaign.

16. Open source searches on the Internet revealed that @jackcorbin is DANIEL WILLIAM MCMAHON ("MCMAHON"). MCMAHON also corroborated his identity as @jackcorbin in sworn grand jury testimony, when he was called as a grand jury witness in a separate federal Riots Act investigation.

17. After learning of the threats on January 8, 2019, the FBI initiated an investigation into possible violations of federal criminal law committed by MCMAHON.

### Evidence of the Threats

18. On January 7, 2019, local news outlets in Charlottesville, Virginia, published articles reporting that Candidate A was planning to announce his run for Charlottesville City Council in the upcoming June 11, 2019 Democratic primary election. The article also indicated that Candidate A was planning a launch party on January 8, 2019 at 5:00 pm at the Kardinal Hall, located at 722 Preston Avenue, Charlottesville.

19. In response to the article, a user on the Gab.ai social media platform, using the screen name @jackcorbin, posted a link to a Youtube video (<https://www.youtube.com/watch?v=sP8KO9ZsZpA>) with the following comment:

[Candidate A], the nigger terrorist attacking [redacted] in this video, is running for City Council in Charlottesville. I will do everything in my power to stop him from getting elected for his attack on my people, & I do mean everything. Unlike Wes Bellamy, this nigger is known to be a violent terrorist, so he won't be getting a hand shake from me like Bellamy did.

20. The video depicts an African-American man wearing a black-colored baseball cap, black shirt and dark blue pants with glasses and a University of Virginia cinch-style backpack, swinging a stick at individuals involved in a physical altercation on 2nd Street NE on the morning of August 12, 2017.

21. Following this post, there were several comments posted, as well as the following conversation between user Joseph Kleinschmidt (@Kleinschmidt) and @jackcorbin:

@Kleinschmidt: GOOD, Do whatever you need to do, fuck that fucking nigger. This is our fucking country.

@jackcorbin: I ask that you join me. This is not a one man job. Activism against [Candidate A] with a diversity of tactics must be used to stop his candidacy. This fucker is as bad as Nicolas Maduro.

@Kleinschmidt: I would dress as opposition, go to these events and dress as a lefty commi, not hard. park far away. You could walk around and get in close till something happens then get them from behind their group. Always get on 2 sides at least of a large group.



@Kleinschmidt: the ones who are gonna do something are always in front going crazy, if you wanted you could get through the crowd fairly easily and pull one of the frontliners down or backwards or whatever.

@jackcorbin: Indeed.

22. Additionally, @jackcorbin posted a link to an article on the www.nbc29.com website, "[Candidate A] and [redacted] to Announce City Council Candidacies." With the following comment:

I'm going to issue a formal warning to [Candidate A]. Do not run for office after what you did to our people on August 12. If you think I'm going to allow a violent communist like you to run for office after attacking one of my people with a rake handle, you got another thing coming. Drop out now.

23. He then continued posting:

@jackcorbin:

I'm going to add something to Charlottesville activism in 2019 in addition to supporting our political prisoners, and that is stopping violent terrorist [Candidate A] from being elected to the Charlottesville City Council after he committed a violent hate crime on [redacted]. I endorse a diversity of tactics for the activism against [Candidate A].

@jackcorbin:

I am declaring [Candidate A] to be the most dangerous violent Antifa in the USA, ranked over Baked Sprayer (Spencer Sunshine's bodyguard), because he is running for office after attacking our people with a rake handle. [Candidate A] has a murderous Anti-White mentality similar to Nicolas Maduro of Venezuela. His candidacy is a threat to national security and every White man on Earth, I am not fucking around. He must not be allowed to get elected.

24. In response to this post, Jason Kessler, one of the Unite-the-Right rally organizers, who on Gab uses the screen name @TheMadDimension replied with the following<sup>1</sup>:

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<sup>1</sup> In a previous affidavit to the court for a search warrant, it was stated that this information was posted to Kessler's Twitter account. It has been learned based upon the return from that warrant that this information was incorrect. The assessment that it was made on Twitter was based upon the appearance of a screenshot. Based upon the information received in response to the previous warrant it has been learned that the response was actually posted to Kessler's Gab account, and the subsequent response from @jackcorbin was also on Gab.



@TheMadDimension:

Just like [redacted], who was sentenced today, [Candidate A] committed a felonious assault by attacking a man with a stick.

While [redacted] goes to prison [Candidate A] goes free and seeks public office.

Unfortunately, any attacks on him will only increase his support among Charlottesville residents. Take the high road and avoid harassment, ethnic slurs, or anything that would let this creep claim a phony moral high ground.

Do the research the media won't no doubt, but be smart about how you use it.

25. To this, @jackcorbin responded on Gab:

“Bro. A diversity of tactics must be used. You know how dangerous this man is. What if [Candidate A] rapes a white woman while in office?”

26. He then continued to post on Gab:

I am seriously afraid that if [Candidate A] is elected, he will pull a Bill Cosby on multiple White women. We already know he's violent and hates White People. He is literally slime.

27. On January 8, 2019, an FBI analyst in Charlottesville conducting open-source searches for a separate investigation saw these postings. The analyst reported them to the Affiant. FBI policy requires that agents notify local law enforcement of any credible, imminent threat to public safety. Because Candidate A's public campaign kick-off event was scheduled for that same evening, and because these postings discussed and endorsed attacking Candidate A from within a crowd, the Affiant immediately contacted the Charlottesville Police Department (CPD).

28. That afternoon, before the campaign event, the Affiant and a CPD/FBI Task Force officer met with Candidate A to report the threats to him. At the campaign event that evening, instead of announcing his candidacy for city council, Candidate A announced that he would not run for that office, citing health concerns.

29. The next day, January 9, 2019, @jackcorbin posted on Gab a link to an article on the Daily Progress Website which describes Candidate A's decision to put his campaign on hold. In the posting, @jackcorbin stated:

A day after an article comes out about him attacking [redacted] with a rake handle, [Candidate A] puts his Charlottesville City Council campaign on hold, citing "health issues from a heart attack". But we all know the real reason [Candidate A] put his campaign on hold. His violent terrorist actions on August 12 are haunting him along with a Pale Horse! :D"

30. On January 10, 2019, @jackcorbin posted the comment "Hail Victory!" with a link to an article on the website bigleaguepolitics.com documenting Candidate A's decision to put his campaign on hold.

31. Also on January 9, 2019, @jackcorbin posted on Gab comments in response to an article indicating that Candidate B was running for City Council in Charlottesville, Virginia:

[Candidate B] is running for Charlottesville City Council. Though she is not as bad or violent as [Candidate A], she is a threat due to her unstable husband. . . . Her views are likely as radical as her communist husband. We are NOT violent, I will NOT endorse a "diversity of tactics" to stop her campaign like I did with [Candidate A]. Instead, we will rely on traditional opposition research.

32. During a review of information obtained from Gab in response to a Search Warrant for @jackcorbin's Gab account, which was signed and served on February 1, 2019, additional information concerning the meaning of the term "a diversity of tactics" was found in the the following posts:

On November 20, 2018, @jackcorbin posted the following on Gab:

"When Antifa say they want to use a 'diversity of tactics', it's code for Antifa wanting to bike lock you over the head then raping your children..."

On December 5, 2018, @jackcorbin posted the following on Gab:

“Wanna know something about the Yes-Platforming Movement? We endorse of ‘diversity of tactics’, just like Antifa, to stop Antifa. We are not pacifists. ;)”

On December 8, 2018, @jackcorbin posted the following on Gab:

“You know what? By not charging ANY Antifa with what they did to us in Charlottesville, they demonstrated that what they did to us in Charlottesville is LEGAL to do to them. Why not adopt Antifa’s own ‘diversity of tactics’ & go a bit beyond even what they do? I mean it’s LEGAL what they did to us in Cville, right? That’s the message I’m getting.”

33. Based upon this information obtained from @jackcorbin’s Gab account, your Affiant believes that @jackcorbin defined “diversity of tactics” to his followers on Gab to mean violence. This is further evidenced by a comparison of his post regarding Candidate A and Candidate B. In his posts regarding Candidate A, @jackcorbin asserts that Candidate A is a “violent terrorist” and repeatedly endorses using a “diversity of tactics” to stop his candidacy. By contrast, in his posts regarding B’s candidacy, reprinted in paragraph 34 above, @jackcorbin indicates that because Candidate B is, in his view, non-violent, @jackcorbin will not endorse a “diversity of tactics” in opposing her candidacy.

#### **Evidence Daniel McMahon is Jack Corbin**

34. On March 26, 2018, as part of a separate federal investigation into potential Riots Act violations committed at the Unite-the-Right rally, FBI Task Force Officer, and Virginia State Police Special Agent, Dino Cappuzzo conducted a telephone interview of DANIEL W. MCMAHON, born August 17, 1988. During the interview, MCMAHON acknowledged that he posted a video from 2017, entitled “Proof Antifa Started the Violence in Charlottesville”, using the online identity Jack Corbin.

35. Based on that interview, MCMAHON was called as a grand jury witness in that investigation in August 2018 to testify about the video, and any personal knowledge he had



about who had started the violence referenced in the video. MCMAHON testified under oath that he is “Jack Corbin,” that he lives in Florida, and that he had no personal knowledge about the Unite-the-Right rally as he had not attended it.

36. A Search Warrant, which was signed and served on February 1, 2019, obtained information from Gab for @jackcorbin’s Gab account, including the following conversation which occurred through direct messaging between @jackcorbin and @Cantwell and in which @jackcorbin confirmed his identity as Dan McMahon:

@Cantwell: <https://phillyantifa.org/correction-jack-pale-horse-corbin-previously-falsely-idd-is-actually-daniel-w-mcmahon-of-brandon-fl>  
@jackcorbin: Yep.  
@jackcorbin: I woke up to a txt from [redacted]  
@jackcorbin: Lol wonderful!  
@Cantwell: Accurate then?  
@jackcorbin: It is. And I have responded. Look at my gab. Feel free to use ALL the info on your site. If I said “appears to be” that means unconfirmed!

Based on this exchange, it appears that @jackcorbin confirmed his identity as McMahon to his fellow Gab user, Christopher Cantwell, a self-proclaimed white supremacist leader.

#### **McMahon’s Use of Twitter**

37. This investigation has identified evidence that, in addition to using Gab as “@jackcorbin,” MCMAHON uses Twitter as “@AntifaLament.” On January 7, 2019 the website bigleaguepolitics.com published an article titled, “Guy Who Hit Person With A Stick Running For Charlottesville City Council”. On January 8, 2019, @jackcorbin posted the article on Gab, with the following comment:

Hey [Candidate A], the people will know that you're a violent terrorist, and we ain't going to let you take over the Cville government, which is fucked already. Drop out pal, you're fucking done.

38. Also on January 8, 2019, Twitter username @AntifaLament posted a link to the same article on bigleaguepolitics.com with the following comment, also addressing Candidate A and tagging Candidate A's Twitter account:

You're not a man of God, [Candidate A]. You're a violent terrorist. I will stop your campaign.

39. Then, on January 14, 2019, @jackcorbin posted on Gab a link to a post on Twitter from the @AntifaLament feed, followed by the following subsequent posts, which indicated that @jackcorbin and @AntifaLament were the same person:

This gross ass Antifa bitch with a nasty meth face is hitting on me on Twitter now... Great...[Redacted link to another Twitter user account] God damn this Antifa bitch is ugly, and she won't stop hitting on me! Disgusting...

40. Based upon the article posted on both Twitter @AntifaLament and Gab @jackcorbin with similar language, and the fact that @jackcorbin on Gab posted a link to Twitter account @AntifaLament and stated that someone who had contacted @AntifaLament on Twitter was "hitting on" him—@jackcorbin, on Gab—, your Affiant believes @AntifaLament on Twitter is the same person as @jackcorbin on Gab.

41. Additionally, your Affiant believes that Twitter will hold evidence of the timing of and reason behind the initiation of McMAHON's interest in Candidate A. This is because, as noted in paragraph 42 above, in one of the postings @AntifaLament made ordering Candidate A to drop out of the race, @AntifaLament also tagged Candidate A's Twitter account. Because of this, Twitter may hold evidence indicating whether Candidate A actually reviewed this post prior to deciding to withdraw his candidacy. Additionally, based upon the review of McMAHON's private direct message conversations on Gab, your Affiant also believes that McMAHON's private direct message conversations on Twitter will also contain information which would be

evidence of his intent and motive in posting the threats on Gab, as well as the related postings on Twitter (which tagged Candidate A).

42. On April 8, 2019, the FBI submitted a preservation request letter using Twitter's Law Enforcement portal requesting Twitter, Inc. to preserve records for any accounts using the name: @AntifaLament. Also on April 8, 2019, Twitter replied that they had received the request for preservation and that the preservation was complete and they were waiting receipt of the warrant.

43. Twitter owns and operates a free-access social-networking website of the same name that can be accessed at <http://www.twitter.com>. Twitter allows its users to create their own profile pages, which can include a short biography, a photo of themselves, and location information. Twitter also permits users to create and read 140-character messages called "Tweets," and to restrict their "Tweets" to individuals whom they approve. These features are described in more detail below.

44. Upon creating a Twitter account, a Twitter user must create a unique Twitter username and an account password, and the user may also select a different name of 20 characters or fewer to identify his or her Twitter account. The Twitter user may also change this username, password, and name without having to open a new Twitter account.

45. Twitter asks users to provide basic identity and contact information, either during the registration process or thereafter. This information may include the user's full name, e-mail addresses, physical address (including city, state, and zip code), date of birth, gender, hometown, occupation, and other personal identifiers. For each user, Twitter may retain information about the date and time at which the user's profile was created, the date and time at which the account was created, and the Internet Protocol ("IP") address at the time of sign-up. Because every



device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access a given Twitter account.

46. A Twitter user can post a personal photograph or image (also known as an “avatar”) to his or her profile, and can also change the profile background or theme for his or her account page. In addition, Twitter users can post “bios” of 160 characters or fewer to their profile pages.

47. Twitter also keeps IP logs for each user. These logs contain information about the user’s logins to Twitter including, for each access, the IP address assigned to the user and the date stamp at the time the user accessed his or her profile.

48. As discussed above, Twitter users can use their Twitter accounts to post “Tweets” of 140 characters or fewer. Each Tweet includes a timestamp that displays when the Tweet was posted to Twitter. Twitter users can also “favorite,” “retweet,” or reply to the Tweets of other users. In addition, when a Tweet includes a Twitter username, often preceded by the @ sign, Twitter designates that Tweet a “mention” of the identified user. In the “Connect” tab for each account, Twitter provides the user with a list of other users who have “favorited” or “retweeted” the user’s own Tweets, as well as a list of all Tweets that include the user’s username (i.e., a list of all “mentions” and “replies” for that username).

49. Twitter users can include photographs or images in their Tweets. Each Twitter account also is provided a user gallery that includes images that the user has shared on Twitter, including images uploaded by other services.

50. Twitter users can also opt to include location data in their Tweets, which will reveal the users’ locations at the time they post each Tweet. This “Tweet With Location” function is off by default, so Twitter users must opt in to the service. In addition, Twitter users may delete their past location data.

51. When Twitter users want to post a Tweet that includes a link to a website, they can use Twitter's link service, which converts the longer website link into a shortened link that begins with <http://t.co>. This link service measures how many times a link has been clicked.

52. A Twitter user can "follow" other Twitter users, which means subscribing to those users' Tweets and site updates. Each user profile page includes a list of the people who are following that user (i.e., the user's "followers" list) and a list of people whom that user follows (i.e., the user's "following" list). Twitter users can "unfollow" users whom they previously followed, and they can also adjust the privacy settings for their profile so that their Tweets are visible only to the people whom they approve, rather than to the public (which is the default setting). A Twitter user can also group other Twitter users into "lists" that display on the right side of the user's home page on Twitter. Twitter also provides users with a list of "Who to Follow," which includes a few recommendations of Twitter accounts that the user may find interesting, based on the types of accounts that the user is already following and who those people follow.

53. In addition to posting Tweets, a Twitter user can also send Direct Messages (DMs) to one of his or her followers. These messages are typically visible only to the sender and the recipient, and both the sender and the recipient have the power to delete the message from the inboxes of both users. As of January 2012, Twitter displayed only the last 100 DMs for a particular user, but older DMs are stored on Twitter's database.

54. Twitter users can configure the settings for their Twitter accounts in numerous ways. For example, a Twitter user can configure his or her Twitter account to send updates to the user's mobile phone, and the user can also set up a "sleep time" during which Twitter updates will not be sent to the user's phone.

55. Twitter includes a search function that enables its users to search all public Tweets for keywords, usernames, or subject, among other things. A Twitter user may save up to 25 past searches.

56. Twitter users can connect their Twitter accounts to third-party websites and applications, which may grant these websites and applications access to the users' public Twitter profiles.

57. If a Twitter user does not want to interact with another user on Twitter, the first user can "block" the second user from following his or her account.

58. In some cases, Twitter users may communicate directly with Twitter about issues relating to their account, such as technical problems or complaints. Social-networking providers like Twitter typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications. Twitter may also suspend a particular user for breaching Twitter's terms of service, during which time the Twitter user will be prevented from using Twitter's services.

59. As explained herein, information stored in connection with a Twitter account may provide crucial evidence of the "who, what, why, when, where, and how" of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, a Twitter user's account information, IP log, stored electronic communications, and other data retained by Twitter, can indicate who has used or controlled the Twitter account. This "user attribution" evidence is analogous to the search for "indicia of occupancy" while executing a search warrant at a residence. For example, profile contact information, communications,



“tweets” (status updates) and “tweeted” photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Twitter account at a relevant time. Further, Twitter account activity can show how and when the account was accessed or used. For example, as described herein, Twitter logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Twitter access, use, and events relating to the crime under investigation. Additionally, Twitter builds geo-location into some of its services. If enabled by the user, physical location is automatically added to “tweeted” communications. This geographic and timeline information may tend to either inculcate or exculpate the Twitter account owner. Last, Twitter account activity may provide relevant insight into the Twitter account owner’s state of mind as it relates to the offense under investigation. For example, information on the Twitter account may indicate the owner’s motive and intent to commit a crime (e.g., information indicating a criminal plan) or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

60. Therefore, the computers of Twitter are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Twitter, such as account access information, transaction information, and other account information.

### **INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

61. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Twitter to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

62. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

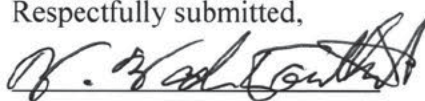
### **CONCLUSION**

63. Based on the forgoing, I request that the Court issue the proposed search warrant. Because the warrant will be served on Twitter who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

OATH

The information in this affidavit is true to the best of my knowledge and belief.

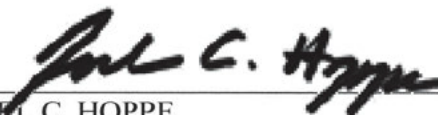
Respectfully submitted,



W. Wade Douthit  
Special Agent - FBI

Received by reliable electronic means and sworn and attested to by telephone on  
May 7th, 2019.

~~Subscribed and sworn to before me this \_\_\_\_\_ of \_\_\_\_\_, 2019.~~



JOEL C. HOPPE  
UNITED STATES MAGISTRATE JUDGE



**SEALED****ATTACHMENT A****Property to Be Searched**

This warrant applies to information associated with the Twitter profile with the username @AntifaLament at [www.twitter.com/antifalament](http://www.twitter.com/antifalament), from August 1, 2017 to present, that is stored at premises owned, maintained, controlled, or operated by Twitter, Inc., a company headquartered in San Francisco, California.

**SEALED****ATTACHMENT B****Particular Things to be Seized****I. Information to be disclosed by Twitter**

To the extent that the information described in Attachment A is within the possession, custody, or control of Twitter, including any messages, records, files, logs, or information that have been deleted but are still available to Twitter, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Twitter is required to disclose the following information to the government for each account listed in Attachment A:

- a. All identity and contact information, including full name, e-mail address, physical address (including city, state, and zip code), date of birth, gender, hometown, occupation, and other personal identifiers;
- b. All past and current usernames, account passwords, and names associated with the account;
- c. The dates and times at which the account and profile were created, and the Internet Protocol (“IP”) address at the time of sign-up;
- d. All IP logs and other documents showing the IP address, date, and time of each login to the account;
- e. All data and information associated with the profile page, including photographs, “bios,” and profile backgrounds and themes;
- f. All “Tweets” and Direct Messages sent, received, “favorited,” or retweeted by the account, and all photographs or images included in those Tweets and Direct Messages;

- g. All information from the “Connect” tab for the account, including all lists of Twitter users who have favorited or retweeted Tweets posted by the account, as well as a list of all Tweets that include the username associated with the account (*i.e.*, “mentions” or “replies”);
- h. All photographs and images in the user gallery for the account;
- i. All location data associated with the account, including all information collected by the “Tweet With Location” service;
- j. All information about the account’s use of Twitter’s link service, including all longer website links that were shortened by the service, all resulting shortened links, and all information about the number of times that a link posted by the account was clicked;
- k. All data and information that has been deleted by the user;
- l. A list of all of the people that the user follows on Twitter and all people who are following the user (*i.e.*, the user’s “following” list and “followers” list);
- m. A list of all users that the account has “unfollowed” or blocked;
- n. All “lists” created by the account;
- o. All information on the “Who to Follow” list for the account;
- p. All privacy and account settings;
- q. All records of Twitter searches performed by the account, including all past searches saved by the account;
- r. All information about connections between the account and third-party websites and applications;



- s. All records pertaining to communications between Twitter and any person regarding the user or the user's Twitter account, including contacts with support services, and all records of actions taken, including suspensions of the account.

## **II. Information to be seized by the government**

All information described above in Section I that constitutes fruits, evidence, and instrumentalities of violations of 18 U.S.C. § 245 and/or 18 U.S.C. § 875 involving the user **@AntifaLament** including, for each username or display name identified on Attachment A, information pertaining to the following matters:

- a. Force or threats of force to injure, intimidate, or interfere with another person because that person is seeking to qualify or campaign as a candidate for elective office.
- b. Evidence relating to racial bias as a motivation for threats of violence or intimidation.
- c. Evidence of the user communicating a threat to injure another person.
- d. Evidence indicating how and when the Twitter account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Twitter account holder;
- e. Evidence indicating the Twitter account user's state of mind as it relates to the crime under investigation;
- f. The identity of the person(s) who created or used the username or display name, including records that help reveal the whereabouts of such person(s).

This warrant authorizes a review of electronically stored information, communications, other records and information disclosed pursuant to this warrant in order to locate evidence,

fruits, and instrumentalities described in this warrant. The review of this electronic data may be conducted by any government personnel assisting in the investigation, who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, and technical experts. Pursuant to this warrant, the FBI may deliver a complete copy of the disclosed electronic data to the custody and control of attorneys for the government and their support staff for their independent review.